

1 NICHOLAS A. TRUTANICH
United States Attorney
2 Nevada State Bar Number 13644
PHILLIP N. SMITH, JR.
3 Assistant United States Attorney
Nevada State Bar Number 10233
4 501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
5 PHONE: (702) 388-6336
FAX: (702) 388-5087
6 phillip.smith@usdoj.gov

Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
JOSUE DIAZ-ORELLANA, ET AL.,)
Defendants.)

STIPULATION TO CONTINUE PRELIMINARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America; Ryan Norwood, Assistant Federal Public Defender, counsel for Defendant JOSUE DIAZ-ORELLANA; and Michael J. Miceli, Esq., counsel for Defendant MIGUEL TORRES-ESCOBAR, that the preliminary hearing for the above-captioned matter, currently scheduled for February 7, 2019, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than one hundred and twenty

1 (120) days.

2 This stipulation is entered for the following reasons:

3 1. The Government has made an early production of discovery to the Defendants in
4 an effort to reach pre-indictment plea agreements, and counsel for the Defendants will need more
5 time to review the discovery and discuss it with the Defendants.

6 2. The parties are researching the viability of entering into plea agreements
7 considering the existence of a much larger investigation. Said plea agreements would obviate the
8 need for either a preliminary hearing in this matter or for the Government to present this matter
9 to a federal grand jury. Counsel for the Defendants will need additional time to discuss the
10 Defendants' options with them.

12 3. Denial of this request for continuance of the preliminary hearing would potentially
13 prejudice both the Defendants and the Government and unnecessarily consume this Court's
14 valuable resources.

15 4. Additionally, denial of this request for continuance could result in a miscarriage of
16 justice.

18 5. The additional time requested by this stipulation is excludable in computing the
19 time within which the Defendants must be indicted and the trial herein must commence pursuant
20 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under
21 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

22 . . .

23 . . .

24 . . .

25 . . .

26 . . .

27 . . .

1
6. This is the sixth request for a continuance of the preliminary hearing herein.
2

3
2 DATED: October 10, 2018.
4

5 _____ /s/
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Counsel for the United States
6

7 _____ /s/
RYAN NORWOOD, AFPD
Counsel for Defendant DIAZ-ORELLANA
8

9 _____ /s/
MICHAEL J. MICELI, ESQ.
Counsel for Defendant TORRES-ESCOBAR
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
JOSUE DIAZ-ORELLANA, ET AL.,)
Defendants.)

)
)

2:18-mj-361-VCF
**ORDER CONTINUING
PRELIMINARY HEARING**

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS
HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter as to
Defendants JOSUE DIAZ-ORELLANA and MIGUEL TORRES-ESCOBAR, currently
scheduled for February 7, 2019, at the hour of 4:00 p.m., be vacated and continued to
June 7, 2019 at the hour of 4:00 p.m. , in Courtroom 3D.

Dated: 2/6/19

UNITED STATES MAGISTRATE JUDGE